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628 life has ensued. Nuer know this and, unless they are very angry, are reluctant to start a fight with a neighbouring village and are often willing to allow a leopard-skin chief or the elders to intervene. I have seen a fight of this kind prevented by the mediation of elders on both sides, but it was clear that their mediation would have availed little if the young men had been eager to come to blows. To-day such fights are less common because fear of Government intervention acts as a deterrent, but I have seen camps and even tribal sections massed for war and on the verge of fighting, and at one time fights must have been very frequent.

Tribes sometimes raided each other for cattle, but fighting between them was rare. Inter-community fighting and the feuds that result from it are part of the political relations that exist between segments of a common tribal organization. Thus a Leek man said to me: 'We have our fighting among ourselves and the Gaajok have their fighting among themselves. We do not fight the Gaajok. We fight only among ourselves. They have their own fights.' People are killed in these fights and blood-feuds thereby commence. Within a tribe there is a method by which they can be concluded by arbitration.

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628 624 783 We give a concise account of the procedure for settling a blood-feud, without describing the detail of ritual. As soon as a man slays another he hastens to the home of a leopard-skin chief to cleanse himself from the blood he has spilt and to seek sanctuary from the retaliation he has incurred. He may neither eat nor drink till the blood of the dead man has been let out of his body, for it is thought to pass into it in some way, and to this end the chief makes one or two vertical incisions on his arm by a downward stroke from the shoulder with a fishing spear. The slayer presents the chief with a steer, ram, or he-goat, which the chief sacrifices. This rite and the mark of Cain on the arm are known as *bir*. As soon as the kinsmen of the dead man know that he has been killed they seek to avenge his death on the slayer, for vengeance is the most binding obligation of paternal kinship and an epitome of all its obligations. It would be great shame to the kinsmen were they to make no effort to avenge the homicide.

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628 624 unlikely that they will all be paid at once and the debt may continue for years. The ceremonies of atonement are performed when some twenty have been handed over, and then the slayer's kin may go about without fear of being waylaid, for the time being at any rate, for they are not safe from vengeance till all the cattle have been paid, and possibly not even then. The chief takes the cattle to the dead man's home. The slayer's people would not venture to accompany him. They are partly distributed among the kinsmen of the dead man and partly used to marry a wife to his name to give him heirs. Even if a man on either side has been killed cattle must be paid by both parties, though perhaps only twenty head by each, for the ghosts must be appeased and the honour of the living must be upheld. Also, [783] sacrifices must be performed to rid the villages of death, which is loose in them and must be sent into the bush, and kinsmen on both sides must be purified from their uncleanness. For his part in the proceedings the chief receives, apart from meat of sacrifices, two beasts, but he has to give one of these to an agnatic kinsman who assists him. Often he gains nothing, as he is expected to give the slayer a cow to help him pay compensation and, moreover, he has had the expense of providing him with lengthy hospitality.

628 578 [784] A homicide does not concern only the man who has committed it, but his close agnatic kinsmen also. There is mutual hostility between the kinsmen on both sides and they may not, on penalty of death, that will inevitably fall on those who break the injunction, eat or drink with one another or from the same dishes and vessels the other has eaten or drunk from, even if in the home of a man who is not kin to either party. This prohibition ceases after the cattle have been paid and sacrifices made, but close kinsmen on either side will not eat with one another for years, even for a generation or two, for reasons of sentiment. 'A bone (the dead man) lies between them.' Indeed, all Nuer recognize that in spite of payments and sacrifices a feud goes on for ever, for the dead man's kin never cease 'to have war in their hearts'. For years after cattle have been paid close agnates of the slayer avoid close agnates of the dead man, especially at dances, for in the excitement they engender the mere knocking against a man whose kinsman has been slain may cause a

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835 with wives of kinsmen is regarded in a more or less serious light according to the kinship distance separating the two men; likewise with relations between a woman and two kinsmen or between a man and two kinswomen. Thus in a village in Lou country where I was living it was common knowledge that a man called Lum was having an affair with a woman who was described to me as his wife's sister, and when I expressed astonishment that he should dare to continue it I was told, 'It may be all right, she is only his wife's *nyaguanden* (father's brother's daughter).' It remained to be seen whether there would be consequences or not. I was also told that even had the girl been his wife's *nyagwan* (paternal half-sister) nothing might happen, though the relations would without doubt be *ruai*, and that the consequences would only be both certain and disastrous had she been his wife's *nyinan pany*, her true (uterine) sister.

835 To avoid the consequences of incest Nuer make sacrifices,
•783 and the weight they attach to the breach of the taboo may be
789 estimated by the value of the thing they sacrifice. For slight incest, as with a distant clanswoman or the wife of a paternal cousin, they consider it sufficient to sacrifice one of the yellow fruits I have spoken of earlier or one of the pendulous fruits of the sausage tree. When a yellow fruit is sacrificed it is cut in two and the left half, 'the bad half', is thrown away, while the contents of the right half, 'the good half', are drunk by the partners to the sin as an infusion. They may get a magician to do this for them or they may do it for themselves. When incest has taken place with the wife of a kinsman who is not a 'bull' and is in Nuer reckoning a close kinsman, the wife's sleeping-skin is cut in two. This, of course, would only be done if one of the pair were sick enough to be more frightened of death than of the husband, for unlike the cutting of the fruits the rite cannot be performed secretly. In cases of incest with a close kinswoman and in all cases of what the Nuer regard as really bad incest, *mut ruali*, an antidote some people are said to possess and make use of when committing a slight incest, is no protection and a vicarious sacrifice no remedy. A goat or a sheep, or in the most serious cases an ox, must be cut vertically in twain and a leopard-skin chief must perform the sacrifice. The guilty persons drink incest medicines infused in the gall of the sacrificed animal. It is believed that retribution follows swiftly on the heels of the offence, so that if sacrifice is to be of any avail it must be per-

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formed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confession then.

The moral element in the retributive action which follows on a breach of the incest taboo is brought out by the fact that, except in cases of really bad incest, such as when a father and son have relations with the same woman, it is felt that no ill effects will follow an infraction if the incestuous pair were unaware that they were breaking it. It is common knowledge that children begin sexual play with kin and they are corrected if observed, but it is not thought that misfortune will follow, 'Because the children are ignorant of having done wrong'. I was told also that if two kinsmen have relations with the same girl unwittingly 'It is not *ruai* because each was unaware that the other was making love to her', and again, that if a man has relations with a distant kinswoman, being ignorant of the kinship, 'This is not *ruai* because he was unaware of the relationship between them.' Even in his own district a youth may not know the full range of his kinship, and if his father hears that he has taken a sweetheart who is distantly related to him he will tell him to break off the affair. Nuer were greatly amused when I asked them about incestuous relations among cattle and told me, perhaps not very seriously, that a cattle peg had in ancient days been cut in twain (*bak*) to make them innocuous.

If ignorance is regarded as an extenuating circumstance, the presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *ruai*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she [the wife] has no child, so it is not *ruai*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat guan*, father's son, to Bul, whose marriage, which had in any case not escaped

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the Leopard-Skin Chief. The killer himself is no longer concerned individually and has nothing further to do until the negotiations for settlement are finally concluded except to collect the cattle of compensation of which he will pay a substantial proportion.

After compensation has been paid, a ceremony called *piec mac* is performed by the Leopard-Skin Chief and his assistants at the cattle-byre of the killer. During the period of his seclusion his home has been closed and neglected and weeds allowed to grow. An idiomatic expression in Nuer is *luak-de cerike luak gwan thange*, which means 'his cattle-byre is unclean like a killer's cattle-byre' and is used in a derogatory manner towards anyone considered dirty or untidy. The byre must therefore be ceremonially purified and swept and fire re-kindled (*piec mac*).[1] The Leopard-Skin Chief and his assistants clean the frontage and open the byre and his wife builds the fire-screen (*buar*), the symbol of the Nuer homestead, and kindles fire with fire-sticks. A sacrifice is then made.

The Leopard-Skin Chief concerned with Hostile Groups; ji ran and ji thange

As soon as a man is killed a state of feud (*tar*) begins between the *ji ran* and *ji thange*. They must scrupulously observe certain taboos and avoid spiritual contamination, which manifests itself in physical disease known as *muar*.[2] They may neither eat nor drink together and they may not intermarry (and this rule may continue for many generations after settlement).[3] The Leopard-Skin Chief is able, by the performance of certain rites, to neutralize the effect of spiritual contamination, and he may be called upon to do so when an involuntary breach of taboo has occurred, or in rare cases he may be asked to remove the taboo altogether after compensation has been paid and the case finally settled. This ceremony is known as *mutk*, and is rarely performed unless the two groups are very closely related.

Ceremonies, Rites, and Acts of Mediation Performed by the Leopard-Skin Chief in the Settlement of a Feud

The Leopard-Skin Chief is first approached by the *ji thange*, who ask him to call upon the *ji ran* to find out whether they are willing to accept compensation. He then approaches the *ji ran* on behalf of the *ji thange* and appeals to them to settle the matter peacefully. They are expected by convention to show considerable opposition even though really anxious

[1] *Piec mac* is a normal expression used to denote the kindling of fire with fire-sticks, but in almost all Nilotic languages it has also a ritual meaning associated with the idea of purification.

[2] *Muar* usually takes the form of painful but not necessarily fatal diarrhoea. The word *muar* is not confined to cases of illness caused by a breach of taboo associated with a state of feud; other breaches of traditional observance may lead to *muar*.

[3] 'There is blood between them'—*take ciem kandien*—refers to the taint of a past feud between kinship groups which may be a bar to intermarriage. See example, p. 147.

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to come to an agreement, and the Leopard-Skin Chief may resort to threats and curses to override their pretended refusal. After persuading the *ji ran* to consider settlement by compensation, he returns to the *ji thunge* to assess and inspect the cattle they propose to provide.

After the cattle have been collected and seen by the Leopard-Skin Chief, the *ji thunge* gather together and proceed with the cattle to an appointed spot. The *ji ran* collect nearby and send a representative forward to inspect the cattle. Here again there must be a show of opposition; the *ji ran* are not expected to accept too readily, and the Leopard-Skin Chief may again resort to threats. There may even be a mock battle, the Leopard-Skin Chief being chased out with sticks and spears by the *ji ran*. He will eventually cut the matter short by advancing and spearing the first bull-calf which is called *ruath kethe*. If the *ji ran* are too overbearing with the Leopard-Skin Chief, he may turn and run away, in which case the *ji ran*, fearing a curse, are expected to use honeyed terms to get him to come back. All this behaviour is probably pretended only; a symbolic expression of the feelings of the *ji ran*. It is unlikely that negotiations would get thus far if they really meant to refuse. The *ruath kethe* is then skinned and torn to pieces by the *ji ran* and carried away to be eaten.

Shortly after this the Leopard-Skin Chief sacrifices an entire bull called the *tut ghok*—'the bull of the herd'—a purification ceremony required to allow the *ji ran* to drink of the milk of the compensation cattle without incurring spiritual contamination. The milk of these cattle is particularly dangerous to the relatives of the dead man and will not be drunk until all possibility of contamination has been removed by the Leopard-Skin Chief. At a later period, if the parties are agreeable, *ghok pale lair*[1] may be handed over as a sign that the feud is really ended, but it is most unlikely that this ever occurred in the past unless the two groups were so closely related as to make life intolerable without final settlement. Two cows in calf are handed over, one being given to the father or brother of the dead man, the other to his mother, thus appeasing both his kinship group and his maternal relatives. This ceremony is known as *cuil*. Apparently the initiative should come from the *ji ran* rather than the *ji thunge*, and they intimate to the latter through the medium of the Leopard-Skin Chief that they are willing to make final settlement. The final ceremony required to settle the feud for all time is known as *math*.[2] The

[1] 'Cattle of appeasement'. *Pale lair* can be best translated as 'to ease the heart'. The custom appears to be more common in Western Nuer than elsewhere.

[2] The word *math* means 'friendship' in the most intimate sense. It is used by Nuer to describe the institution of close friendship which is common. A Nuer will talk of *nath-de*, 'my friend', meaning a person with whom he has an altogether special relationship—a voluntary association with another man outside the normal ties of kinship. The ceremony therefore expresses the idea of reintegration on the most intimate plane, and after its performance even the least hostility which persists after settlement of a blood-feud in normal cases should disappear.

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Leopard-Skin Chief then performs certain ritual acts to remove all fear of future contamination between the two groups and to remove the taboo on eating together. A bull called *yang tut cuke* is sacrificed and ceremonially divided between the *ji run* and the *ji thunge*, who partake together of its meat. This ceremony was even more rarely performed than the *cuil*, though instances of its occurrence in the past are quoted, but in all cases the parties were closely related in the lineage system and occupied adjacent territory.

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Terminology of Cattle Paid as Compensation

A list of cattle paid in compensation, sacrificed by the Leopard-Skin Chief, or paid to him as fees, is as follows:

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ruath biire: 'the bull-calf of blood-letting', the bull-calf sacrificed at the ceremony of letting the killer's blood.

yang kumini or *yang jal*: 'the cow of the journey', paid by the *ji thunge* to the Leopard-Skin Chief early in the proceedings as a reward for his services in going backwards and forwards between the two parties.

yang jiop: 'the cow of the axe', a cow given to the *buthni* relatives of the *ji run* by the *gaan buthni* of the *ji thunge*. *Buthni* relatives are representatives of a collateral branch of the lineage (*thok dunit*), so that this transaction extends the processes of appeasement and compensation beyond the more immediate kinsmen of the killer and the killed to their lineages as a whole. The solidarity of the patrilineal descent group is thus emphasized, and the way in which all persons within it are involved is publicly acknowledged. Traditionally the *yang jiop* should be the first cow to be handed over.

ruath kothe: 'the bull-calf of the gall-bladder', a bull-calf speared by the Leopard-Skin Chief at the actual ceremony of handing over the compensation cattle. It is subsequently eaten by the *ji run* as a sign that they have accepted the compensation.

tut ghok: 'the bull of the herd', a bull sacrificed by the Leopard-Skin Chief and partaken of by the *ji run*—a sacrifice to ensure that they will not be contaminated by drinking the milk of the cows included in the compensation.

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(v) A man may not marry again into his wife's lineage. Nuer say that a man may not have intercourse with two closely related women at the same period of time. The link is really through the children; a man may not marry his wife's sister because she will also be the maternal aunt of his children and entitled to a portion of the bridewealth of his daughters. A confusion of status of this kind must be avoided.

(vi) A man may not marry the daughter of an age-mate. Common initiation brings about an association similar to kinship. This is symbolized in the giving of the 'cow of the age-mate' (*yang ric* or *ruath ric*).[1] To marry the daughter of any age-mate is to bring him into the category of father-in-law; the avoidance due to the latter is incompatible with the conventional familiarity which exists between age-mates.

Professor Evans-Pritchard summarizes these rules in an article on the subject.[2] He says:

> The exogamous rules . . . can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced further in some directions than in others and is of different kinds: the clan kinship of the *mar*, the common spear; the kinship of *both*, of collateral lineage and of adoption; uterine kinship; kinship through the *gwetlar*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; the kinship by analogy of the *ric*, the age-set, and the *muor*, the leopard-skin.[3]

We shall see that the greatest care is taken during the social processes of marriage to avoid any possible breach of these rules,[4] and it is unlikely that a bar to marriage would be discovered subsequently, at any rate one which involves a prohibition sufficiently strong to be unavoidable. Unless the relationship is singularly remote, however, the union would be dissolved without further delay and the appropriate ritual of appeasement and decontamination performed. This is usually performed by a Leopard-Skin Chief, who neutralizes the effects of the breach of taboo. A cow is sacrificed to the ancestral spirits, and the whole carcass divided into halves,[5] one half being consumed by the relatives of the man, the other half by the relatives of the woman. The presence of the Leopard-Skin Chief and the fact that a cow (possibly only a barren one is sacrificed would indicate that the breach is a serious one and likely to bring great misfortune to the people concerned. As Professor Evans-Pritchard points out, the value of the sacrifice is

[1] See p. 110.

[2] *Social Structure: Studies presented to A. R. Radcliffe-Brown*, Oxford, 1949.

[3] Evans-Pritchard points out that 'a leopard-skin [illegible] may not marry into the family of another leopard-skin chief, even though they [illegible]'. This connexion may be true of Lou and eastern Nuer, where Leopard-Skin families are few, but I doubt whether it is applied in the western parts of Nuerland, where they are more common.

[4] See pp. 87, 91, 92.

[5] *Yang ne tuk* to read, 'the cow of dividing the meat'.

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usually an indication of the seriousness of the breach. For less serious offences of this sort, a smaller animal would be sacrificed, a bull-calf or a ram, and the ritual performed by the kinsmen of the parties concerned would be less elaborate. In some cases it is sufficient to cut in two a wild fruit known in Nuer as *kwol*. I think that the Leopard-Skin Chief is called in more usually when a legal union between persons within the prohibited degrees has taken place, and not in cases of extra-marital intercourse which will not continue. These ceremonies may also be performed before the union takes place, but clearly only in borderline cases where the relationship of the parties is so remote as to be almost fictitious. Similarly, as already mentioned, it would be performed if the impediment were discovered subsequent to legal marriage, but again the union would be unlikely to continue unless the relationship was exceptionally remote, especially, as is so often the case, if disasters (infant mortality or sickness in the family and other misfortunes) have occurred and have been attributed to this cause after searching investigation. As a ground for divorce, should both parties demand it, a breach of the exogamy rules would be indisputable, and I think that a Nuer court would nowadays grant a divorce without much argument.[1] This is, however, a matter of conjecture only, as I have only known one case of divorce brought before the courts for this reason, and then there were circumstances unconnected with exogamy which would have made the dissolution of marriage inevitable. Such matters are strictly limited to the families, or at most to the lineages, of the parties concerned, and are not usually brought to light in a public manner.

We have so far been principally concerned with the laws of exogamy and the prohibition of legal union between persons who fall within the forbidden degrees. We have seen also that these laws are relative to the position in the social and kinship structure of the persons concerned, and if their relationship is sufficiently distant, the prohibition may be permanently cancelled by the performance of sacrifice and ritual. In any case the consequences (*muor*) may be thus avoided, even if the ritual is not sufficiently effective to ensure a safe continuance of the union. These rules also apply to extra-marital and illicit sexual intercourse, though not necessarily with the same force, and the consequences of infringement may be less serious. There is also an obvious difference between a casual act of sexual intercourse which is not repeated, and intercourse which results in the pregnancy of the woman. The birth of a child in such circumstances is a permanent reminder of the offence, and because the child is a link between the mother and the physiological father the situation is more dangerous. There is a confusion of legal and social status which at all costs must be avoided. Among the Nuer such difficulties can

[1] See also under Dissolution of Marriage, p. 146.

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action in spilling the blood of a fellow man. There is no concept of Man as a member of Mankind, only as a member of a kinship group, and reprobation is expressed by them alone. Moreover God is not angered at the death of a human being, for God is not concerned with humans in this general sense of protection and responsibility; but the particular manifestations of God, represented in the kinship group by ancestral spirits and by the spirit of the dead man (*cien*), are indignant and cry out for vengeance.

There are therefore two reactions present: first, the reaction of the kinsmen of the slain, which is a reaction of indignation at personal loss, reduction in their numbers, and the damage to the continuity of their group; and this finds further expression in religious concepts associated with the kinship group. The second reaction is that of the killer's group, who demand that, in their own interests as well as his own, he shall perform those rites of expiation which will neutralise the effects of spiritual contamination emanating from the spirits associated with the dead man's kin. They may also express disapproval of his action, for he has brought upon them not only spiritual dangers but the threat of violence, and more probably the loss of the cattle which they will have to pay to restore the peace and regain their security.

Homicide has not yet become the concern of society as a whole and, except that other persons may find themselves involved in a feud which may spread along traditional lines of political cleavage, those outside the specific groups affected are not interested. The existence of a segmentary system and the absence of organised political authority covering all sections of Nuer society mean that there is no corporate body which will take action against the killer in the interests of society as a whole. The kinship group of the deceased combines against the killer and, by extension, according to the principles of collective responsibility, against the kinsmen of the killer. The latter are then compelled to adopt an attitude of defensive opposition, but within their own group they have also to demand that the killer shall perform those acts which will restore to him his ritual status.

From these observations it will be seen that—

(i) Homicide is considered a wrong, though not against society as a whole. The element of wrongness is relative to the relationship in the social structure of the parties involved. The killing of a stranger, especially of a foreigner, who does not come within the most expanded form of the social structure, is not really wrong (*dar*) at all. It is neither a crime nor a private delict, for there is no political sanction involved and no social relationship which might demand restitution. There is no motive for composition nor any mechanism for achieving it. It is, however, a situation which demands expiation in the form of ritual and sacrifice, which the killer performs with the assistance of the Leopard-Skin Chief. The ghost of the dead stranger,

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The ghost of the dead stranger

no less than that of a fellow tribesman, may haunt the slayer, and the mere act of homicide creates a situation of spiritual danger.[1] This is a religious concept, but it does not provide an effective sanction against homicide because the consequences can be avoided.

(ii) The killing of a fellow tribesman, and to a much lesser extent a fellow Nuer of another tribe who is within the orbit of the killer's social sphere, is a wrong because it is an offence against the stability of society in its most extended form. But it is a private delict and not a crime, and demands only retaliation or restitution. The closer the relationship between the component tribal segments involved, the greater the sanction for restitution. It is also an act which brings spiritual contamination upon the killer and his kin, and expiation and ritual purification are necessary. Moreover the closer the relationship the more dangerous the consequences and the greater the need for purification, because the act of homicide amounts to a more grievous breach of kinship observance.

(iii) Finally in the narrowest definition of blood relationship, where kinship is a reality and not merely a fictional social form—that is, within the lineage or the extended family group—restitution becomes less and less necessary because the persons who assist in the payment of compensation are also the recipients. To put this in negative form, those who are in duty bound to take vengeance are also those upon whom vengeance should be wreaked. The situation then reached is so near to patricide or fratricide that the idea of vengeance or restitution must disappear. The situation is indeed something akin to suicide, which is the negation of the principle of kinship solidarity, and, as in suicide, the danger is not the threat of retaliation nor the need to pay cattle as compensation to some other group but spiritual damnation from within.[2] Hence the act does not constitute a private delict but is

[1] To the Nuer this idea applies to all mankind. The disgruntled spirit (*dim*) of the dead man will haunt his killer and bring him misfortune or even death. The act of spilling blood in itself creates a condition of impurity which afflicts the killer, amounting to an impairment of his *ritual status*, and therefore requires expiation. Hence the ceremony of *kor*, which includes not only sacrifice but the letting of the slayer's blood. The danger involved in the spilling of human blood is exemplified in the rules concerning the destruction of certain categories of anti-social persons, notably the cuckoo and ghoul, with the consent of the community. No blood must be spilt; the ghoul should be beaten to death with sticks. No such contamination arises from the spilling of animals' blood except that of an elephant. For this the ceremony of letting the blood of the killer must be performed or the ghost (again *dim*) of the animal will haunt him. It is especially interesting to note in this connection that elephants are closely associated with mankind and are linked in mythology to the genealogies of certain lineages.

[2] This statement is, of course, qualified by the actual relationship of the persons concerned. Between brothers or half-brothers there could be no payment of compensation; between patrilineal cousins some form of compensation might be paid, but conditioned then and subsequently by other mystical obligations in connection with cattle. The real test probably lies in the obligation to marry a wife to the name of a dead kinsman. If the killer were also the man, or one of the men, who normally might be expected to discharge this duty on behalf of the deceased, then no form of compensation would be necessary.

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a sin. No action against the offender is taken, but the spiritual dangers involved are correspondingly greater and more difficult to avoid. Fratricide and patricide and, to a lesser degree the killing of a close agnatic kinsman, is an offence against the objectives of kinship association and therefore a sin against the religious standards which express those objectives. Expiation in the form of prayer and sacrifice is essential; vengeance or restitution is not possible.

These observations apply specifically to homicide. There is no apparent belief that spiritual pollution will result from the infliction of bodily injuries less than death, nor from private delicts such as theft or the destruction of the property of persons who have no kinship or marital relationship with the offender. On the other hand, offences against accepted rules of marriage relationships and behaviour towards women within the lineage have a supernatural sanction, but again it will be seen that this is only a reflection of the idea of kinship. In such cases, however, there is no need for indemnification paid in cattle,[1] which is limited to the relations of opposed groups and the maintenance of the balance between them. In the first place a breach of the rules of exogamy is an offence against the structure of the kinship group, and one which involves the couple and their kinsmen in the gravest danger. Here there is no question of the maintenance of social equilibrium between two groups, only the spiritual safety of the single kinship group within itself and of the individuals of which it is composed, and there is consequently no question of material indemnification. The incestuous couple are themselves liable to the supernatural consequences which may be physically manifested in some form of disease (*muar*), and their kinsmen may suffer subsequently, particularly from sterility, infant mortality, or a series of disasters which may also apply to their cattle. It is an act which requires expiation in the form of ritual and sacrifice, and the seriousness of the breach is gauged according to the nearness of the relationship of the couple. This dictates the value of the sacrifice and the complexity of the ritual of expiation. In some African tribes incest is treated as a crime, particularly if the offence is repeated, and penal action is taken against the culprits; but among the Nuer the ritual processes required are presumably considered sufficiently efficacious, and no repressive action is taken against the offenders. Theoretically those who consciously repeated the offence would earn the reprobation of their kinsmen, resulting in a loss of privilege which might reach the stage of expulsion, but I can quote no instance of this and have never found a Nuer who could.

There are other breaches of observance which result in similar forms of pollution. It is, for example, an offence to have sexual intercourse

[1] For minor infractions gifts—tobacco, food, &c.—may be offered to an offended kinsman.

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with a woman who is pregnant or a nursing mother. If the man who so offends is the woman's own husband, her relatives are likely to express great indignation and, if he is to continue on good terms with them, he will have to take steps to neutralize the consequences by ritual purification and sacrifice; otherwise the woman or her child will die. Moreover the ill-effects may extend to her kin, and in some cases these will demand a cow from the offender, not, I think, as direct compensation for a wrong but as a gift which will probably be dedicated to their ancestral and household spirits who otherwise may bring trouble to them.[1]

If the act is committed by a man who is not the woman's husband, it is certainly considered serious, but it is treated as a normal case of adultery and the compensation (*ruak*) demanded by her husband will not be greater than in normal adultery, although his indignation will be more intense and the likelihood of his taking violent action against the offender greater. For this reason alone such cases are likely to be settled by indemnification more promptly, and in this sense the religious concept is also a sanction for payment; the compensation is conditioned not by the likelihood of the spiritual effects, but by the traditional assessment of the wrong to the husband. Thus in this case religious belief is a sanction for the operation of a recognized process of law but has no effect on the amount of compensation. The idea of pollution is also present in cases of straightforward adultery where, as we have seen, among most Nuer tribes one cow should be paid in order to counteract the pollution involved, the cow called *yang hude* ('the cow of the sleeping mat'), which will allow the husband to resume relations with his wife in safety, and which is something quite different and apart from other cattle paid as compensation for what is regarded as a secular wrong. It is worth noting that if the adulterer is closely related to the cuckold no compensation will be demanded, but the *yang hude* is always paid.

There are also many customs which are not normally the cause of litigation in the courts, nor indeed of much dispute of any kind, but for which a form of compensation is necessary. For example, it causes offence for a man to appear naked before his mother-in-law or any woman who stands in that relationship to him. This applies even if he does so unwittingly, especially in the early stages of marriage. It is an offence which will require some small gift as compensation, and the offender may also be expected to make a token offering, a pinch of tobacco or something of the sort, to the ancestral spirits of his wife's lineage. Observances of this kind and the action taken if they are ignored are upheld by ritual sanctions, as well as by sanctions derived from the purely social relations arising in marriage and kinship.

[1] Elsewhere, see p. 199.

8:Howell E, G-5 (1942-1944)1954
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as a sorcerer or witch in normal circumstances. Similarly, other categories of magicians and spirit-owners are generally expected to act in the interests of their clients, although in some cases the client may, by paying a fee, gain the assistance of one of them to work witchcraft against his private enemy. Some spirit-owners have an unsavoury reputation in Nuerland. There are, however, persons whose activities are considered entirely anti-social, and who thus fall into the category of witches, whatever the circumstances.

Witchcraft

Apart from *guan mal* or owners of medicines who have acquired an evil reputation, witches are possessors of the evil eye, called *puth* in Nuer, who are believed to cause harm and even death to those who cross their path in anger, and sometimes without any motive at all other than the inherent evil of their personalities. The *rual* or ghoul is also a kind of witch who is particularly associated with the performance of hideous rites upon the bodies of the newly dead, thereby gaining some control over the souls of their surviving relatives.[1]

In the common action of the community against witchcraft we find perhaps the only conception among the Nuer which even approaches the notion of criminal or public law. Nuer say that in the past witches of these kinds were often killed with at least the tacit consent of the whole community to which they belonged. There are, however, no authenticated cases on record. The *rual* might be killed with impunity, provided that blood was not spilt and no injuries to his head were inflicted by his assailants. The *puth* might be killed without grave danger of retaliation and, if composition was demanded, only six head of cattle need be paid to the kinsmen. It is doubtful if anything was paid in such circumstances. Accusations of the evil eye are fairly common today, but I have no details of the possessors being killed in the past.

It is worth adding that among many primitive peoples unnatural offences and bestiality are treated as public delicts and punished by ostracism, exile, or even death. Such offences are conspicuous by their absence among the Nuer. During several years in Nuerland I only heard of one actual instance. This occurred in Gaawar country, where a headman of considerable standing admitted such an offence with a cow. This was regarded as a grave misfortune, though the reaction was one of pity for the culprit rather than indignation. It was held that both he and the cow would die. As an act of expiation he cut off one of his own fingers with a spear and, accompanied by sacrifice, this was considered an effective antidote. In the absence

[1] See Howell and E. A. Lewis, 'Nuer Ghouls, a Form of Witchcraft', *S.N.R.*, 1946.

8:Howell E, G-5 (1942-1944)1954
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of further evidence it is not possible to expand on this subject. Nuer simply say that a man who commits such an offence will surely die. The ritual sanctions must be very effective.

Actions against Witches Today

In all cases of accusations of witchcraft appearing before modern Nuer courts of which I have any record, the accused was submitted to searching examination and evidence of a sort was taken. The facts seemed hard to prove, but by reference to the character of the accused (anything in the nature of incessant ill-temper, shrewishness, and general unpopularity backed by definite instances of misfortune among the accusers), the members of the court usually came to a decision. The matter was not treated lightly, and it is a fact that the large majority of such cases were dismissed as frivolous, and in some instances the plaintiff was punished for false accusation (*kerjak*)[1]. Sentences of imprisonment were sometimes inflicted, in most instances on women who were suffering ill-treatment from their neighbours and would be better out of the way for a while. Imprisonment, an idea entirely alien to the Nuer, somehow acted as a form of expiation or purification, and I have noted that in nearly all cases the woman went back to live unmolested among her neighbours.

Oaths

In connexion with Nuer religious beliefs which have bearing on the study of law and the procedure of courts today, oaths must be mentioned. The ceremony is usually performed by the Leopard-Skin Chief, who is called in for this purpose. There are two common forms of oath, the first called *kuang, kuil,* or *kap tang* ('to hold the spear-shaft'), which is used in a variety of circumstances, while *math* (literally, 'to drink') is the form often employed in cases of unconfessed homicide. The taking of an oath is not an individual process carried out by one man alone. In the former ceremony both accuser and accused are expected to take part, and it amounts to something of an ordeal between them; in the latter, where there is no known accused, those suspected and all their kinsmen are expected to participate.

It should be noted that the use of such oaths, especially in court, is not encouraged by the Government. Moreover, although the participants are often willing enough, the onlookers are afraid for them and nearly always persuade them to take some other course. Nuer chiefs and court members frown on the practice for this reason and not only because they know that the procedure is not in keeping with Government policy.

[1] See p. 70.

8:Howell E, G-5 (1942-1944)1954
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621 671 community among the Nuer is relative, like the Nuer word *cieng*, which roughly describes a territorial and social unit whatever the size,[1] we can still safely say that there was little or no public law among the Nuer in the past.

681 621 The sanction, even for the most serious of offences, homicide, was retaliatory, requiring only an act of vengeance against the killer or any one of his kinsmen, and thereby maintaining the balance and satisfying the indignation of the kinsmen of the deceased. Alternatively restitution might be made, the payment of which fell not individually on the killer but again on all his kinsmen and which, though primarily directed to providing the dead man with a wife, thus to raise children and restore the balance, was in part divided among the dead man's kinsmen. This division, which still applies today, is itself of particular significance for it shows that the cattle paid as 'blood-money' are in no sense merely a punishment or punitive damages inflicted on the group of the killer, but are primarily directed to the restoration of the balance between them and the group of the deceased. This balance is disturbed by the act of homicide, and the two groups or segments of a tribe are at once in a state of feud (*tar*) and will suffer spiritual pollution if the ordinary contacts of daily life continue between them. They are the *ji ran*, the 'people of the (dead) man', and the *ji thangu*, 'the people of the compensation', and between people in this condition social intercourse is not only unsafe, because at any time an act of vengeance may happen, but also spiritually dangerous. There is therefore a disturbance of equilibrium, which finds expression, on the one hand, in the feeling of intense indignation—often, as we have seen, more conventional than actual—of the dead man's kin and, on the other, in the fear on the part of the killer's kinsmen that violent retaliation may follow. Between them there is the fear of mutual contamination.[2] The balance is restored by the performance of ritual, the purpose of which is to remove the danger of this spiritual contamination, and by the complicated processes of payment of 'blood-money', the main object of which is to remove the feeling of indignation of the *ji ran* by giving them compensation in cattle for their loss. That this loss extends to a group larger than the immediate family of the dead man is seen in the fact that a small portion of the compensation is paid to his maternal relatives, the distribution following a pattern which is similar, though much restricted, to the distribution of bridewealth. The majority of the cattle go to provide a 'ghost-wife' for the dead man, thus ensuring the continuance of his line in the lineage structure and also the unimpaired continuance of that lineage as a whole. There is nothing in these processes which

[1] The Nuer *cieng* has already been discussed; see pp. 10–20.

[2] It may be argued that the fear of contamination and the consequent avoidance are only a psychological expression of the fear of retaliation.

19: Butt E-4 (No date) 1952 F 322 Nuer F 322

with clubs. Spears are not used between neighbours lest someone be killed and a blood feud started which will disrupt the community. No third person may intervene in these duels.

In fights between persons of different villages spears are used and every adult male takes part. Fighting occurs mainly between small tribal segments, only occasionally between primary segments or tribes. Feuds cannot occur except within a tribe for it is only in the tribal unit that a breach of law is recognized and the machinery for settlement exists. Between tribes settlement can only be effected by war.

THE SETTLEMENT OF A BLOOD FEUD

The slayer seeks sanctuary with the leopard-skin chief who will ritually cleanse him and make a sacrifice to protect him from the vengeance of the spirit of the slaughtered man and his kinsmen. Vengeance is the most binding obligation of paternal kinship. After an interval, negotiations for compensation are begun. In theory 40 to 50 cattle are paid, in practice ceremonies of atonement are performed when about 20 have been handed over. The cattle are discriminated among the kin of the dead man and a certain number of them are used to secure a wife who will be married in the dead man's name. The leopard-skin chief receives two beasts, and the meat of the sacrifice, but in fact he often gets nothing and may have to help in paying the compensation. He also has the expense of keeping the slayer during the period before settlement.

Feuds occurring between small groups are settled quickly, especially those within a village, where ties are so close that ordinary life would be completely disrupted if a blood feud were to continue for any length of time. It is much more difficult to settle a feud between persons of different tribal segments than between persons in the same tribal segment.[1]

Theoretically, all feuds in a tribe can be settled by compensation but this does not always occur in feuds involving primary tribal sections. If people are killed in a large-scale fight, compensation is not always paid nor revenge taken, kinsmen merely wait until the next fight occurs.

A feud arises only between two agnatic kin groups but, owing to the extent of kinship ties and local sentiment, a whole tribal section may support the lineage within it which is at feud with a lineage in another tribal section. The close association between territorial units and kinship units makes the feud an important aspect of inter-segment relationships.

HOSTILITY BETWEEN THE NUER AND DINKA

The Nuer and Central Dinka are very similar in culture and organization, but they are ancient enemies and constantly raided each other in the past. The attack was usually made after the rains by the Nuer, who would establish a base in Dinka country and spend several weeks there raiding in all directions. The Dinka did not offer much resistance, merely attempting to flee to safety with their cattle. This constant raiding was partly due to lack of resistance, and the advantages of obtaining extra cattle,

(1) Evans-Pritchard, The Nuer, 1940, p.150.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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charred remains of the rafters, supports, and thatch are heaped on top of them. If a man is struck in the bush his body is covered with grass and thornwood. Nuer say that it is only the *ring*, the flesh, which they cover up. The *yiegh*, the life, or in this sense the soul, has been taken by God and has become part of him. Sacrifices must be made at once. The people sacrifice to God even if a byre or hut is struck without causing death because the misfortune, being a direct intervention of God in human affairs, is a danger which must be got rid of. They say *'ba luak kier ka del'*, 'the byre is expiated with one of the flock'.[1] If a person is killed, his kith and kin feel that they are in grave danger and anyone closely connected with the dead makes sacrifice as soon as he hears of the calamity. The dead man's paternal and maternal kin and his affines bring oxen and sheep and goats to the mortuary mound and sacrifice them there. Even distant kinsmen and unrelated friends and neighbours make sacrifice; and if a girl is killed by lightning her sweetheart will sacrifice an animal. The whole community is involved, and fellow villagers who do not feel that they are sufficiently connected with the dead for animal sacrifice to be necessary throw leaves of the tobacco plant on the mound in silence. It is believed that unless sacrifices are made at once the *colwic* may return bringing death to man and beast. Also, the close kinsmen of the dead are so unclean that relatives and neighbours may not eat or drink in their homes before they have sacrificed; animals must follow the dead before the people can rest in peace. Nuer say *'ca je kir ka det kene ruath'*, 'he (the dead man) was expiated with some of the flock (goats and sheep) and oxen'. The sacrifices cleanse the kith and kin and ward off from them further misfortune.[2]

But only immediate danger is warded off by these sacrifices. The kin are not yet free from the ordinary contamination of death and they will not be till another ceremony has been performed some weeks or months later. This ceremony resembles the usual *cuol wac* mortuary ceremony held for a person who has died in some other way than by lightning and which I describe later, but Nuer do not call it by that name. Indeed they say, as I have

[1] *Del* means both 'sheep' and 'goat'.

[2] Dr. R. G. Lienhardt tells me that an ox must be sacrificed on the evening after the death, just before sunset, and that its flesh must be consumed during the night, a rule which obtains for sacrifice only on this occasion. This is perhaps a further association of *colwic* with darkness.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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mentioned, that one does not hold a mortuary ceremony for a *colwic*. The difference between an ordinary mortuary ceremony and a ceremony to commemorate a *colwic* would appear to be that whereas in both one purpose of sacrifice is to cleanse the living, another purpose in an ordinary mortuary ceremony, to send the soul of the dead to the ghosts, is lacking in the commemoration ceremony for a *colwic*. The soul of a man killed by lightning is at the moment of death translated to its heavenly home. Nevertheless, it may be that this ceremony is performed not only to cleanse the living and to commemorate the dead but also to fix his soul firmly in the above so that there will be no return to the living, just as an ordinary mortuary ceremony fixes the soul in the underworld of the ghosts.

I had the opportunity in 1936 to witness this ceremony when it was held for a girl called Nyakewa, the daughter of Rwacar, among the western Nuer. During the afternoon the women of the village collected in the garden of the dead girl's home to make beer, for it is the custom on this occasion for the women to work together instead of each in her own home. While they were engaged in making beer rain began to fall and wood ash[1] was thrown into the air and Nyakewa was addressed: 'Sister, wouldst thou spoil our work in this way? It is for thee we do it.' The rain soon passed over, though the sky remained overclouded for the rest of the day. Nuer expect rain to fall on this day, but after they have sacrificed. They say 'we have slaughtered cattle for God. The chyme (*wau*) will be watered today by God, and the blood also.'

The ceremony began in the late afternoon in the homestead where Nyakewa was killed, that of her mother Nyaruithni and of her brother Malith, an uninitiated boy. Her *pater*—she had been begotten in adultery by another man during his lifetime—was dead. The ceremony was held in her mother's home and not in her husband's home because, although bridewealth had been paid for her, she had not passed through the consummation ceremony before she was struck by lightning. A fully married woman who is killed by lightning becomes a *colwic* of her husband's lineage and not of her father's lineage. Her husband is *gwande*, her owner or master, and they say of such a spirit that she was married with cattle and will not return to her father's lineage—that is, will not

[1] The ash of women's cooking fires, not the ash of cattle-dung of the men's fires of byre and kraal.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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Among his observations he accused the Ngwol of having buried a living ox with some beads and a spear to kill the Lual, and this provoked a violent argument in which the Ngwol part of the audience retorted that the Lual had buried a dog alive in a byre to kill them (I do not know whether such practices ever really occur). 627 776*

The Ngwol representative then delivered a rambling address. He often mentioned *kwoth* in it, though not, so far as I heard, with any particular specifications. His chief point was that the Jikul were paying compensation in cattle for the dead man and that if the Lual reopened the quarrel it would be to their disadvantage, the Jikul being fully able to look after themselves if it came to fighting again. He then, from the Jikul angle, repeated the whole history of the affair, a recapitulation which stirred up involved controversy with the Lual men present. In these invocations grievances, both real and imagined, are made public, not with the purpose of complicating the issue or inflaming passions, but because it is the rule of such gatherings that everything a man has in his heart against others must be revealed and no bitterness kept secret.

Finally, the leopard-skin priest, whose function is to cleanse a killer and to perform rites to terminate a blood-feud, rose and addressed the assembly. In his invocation he frequently, in addition to speaking to *kwoth* and *kwoth a nhial*, called on '*kwoth riengda*', a phrase which literally means 'spirit of our flesh' and which refers to the spiritual source of sacerdotal power. He told the slayer that as some of the cattle had already been paid and the remainder were about to be paid he might go abroad without fear of vengeance. He told the kinsmen of the dead man that if they started a feud their spears would miss their mark and that they would do well to take the cattle and settle the affair for ever. He warned the kinsmen of the slayer not to try and hide their cattle, that is, send them secretly to the kraals of distant kinsmen and then say that they had not the wherewithal to meet their obligations. He, also, recapitulated the whole history of the quarrel, from the point of view of an impartial onlooker and mediator. 627 776* 783●

At the end of his address he speared the ox and those present rushed in, as is the custom on this occasion, to obtain what they could of the carcass, hacking and slicing, waving their spears, and shouting. It was a scene of great confusion. When things had

16: Evans-Pritchard E-5 (1931, 1936) 1956
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quietened down the leopard-skin priest cut off some of the hair of the head of the man who had occasioned the death: 'the blood which entered into his body is purged (*riem me ce wa pwonyde ba woc*), other hairs will grow (*bi miem ti akien dony*), the blood is finished (*ce riem thuk*)'.

The ceremony I have described is typical in form of Nuer religious ceremonies. What I want here to draw attention to in it are the different titles mentioned in the invocations: *kwoth*, Spirit, without further designation, *kwoth a nhial*, Spirit who is in the sky, *kwoth wic(da)*, spirit of the home, *kwoth ngoap(na)*, spirit of the fig-tree, and *kwoth rieng(da)*, spirit of the flesh (the virtue of the leopard-skin priests); and there may have been others which I did not hear. Besides these titles such expressions as *gwandong*, grandfather, and *kwoth gwara*, spirit of our fathers, were used. At other ceremonies at which people of different families and lineages from those concerned in this particular ceremony have been represented I have heard references in invocations to a variety of other spirits—totemic spirits, *colwic* spirits, and spirits of the air. How are we to interpret Nuer thought about the nature of Spirit as it is expressed in such ceremonies as the one I have described?

In this particular ceremony several groups were opposed to each other, and the leopard-skin priest was acting in his priestly capacity as mediator between them and to conclude a settlement by sacrifice. The persons who made the invocations therefore appealed to, or spoke about, God not only as God but also as God in his special relation to the groups they represented, and in the case of the leopard-skin priest to God in his special relation to the priestly function as well as to a particular priestly lineage. The circumstances may be compared to a war between European powers in which each prays for victory to the God of its fathers, Lord of its battle-line. Those engaged in the struggle do not believe that two distinct deities are being appealed to. That this is the correct interpretation of the Nuer material is shown by a number of observations, one of the most significant being the fact that although the invocations were made to different titles they were all made over the same victim and this same victim was offered up by all the parties concerned. This appears to me to be proof that the sacrifice was made to one and the same being. Another significant observation is the fact that in situations in which no sectional interests are at stake but where men approach God simply as men and in the

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CHAPTER VII

SIN

I

Nuer do not think of the relation of man to God as one of soul, as a separate entity, to Spirit but as one of the whole man to Spirit. The state of the conscience, as we would call it, may be one element in the relation but peace of mind is very much bound up with welfare of body and estate. This is evident from the way they regard the breach of an interdiction which is thought to bring into operation directly, and often almost immediately, spiritual sanctions. We may speak of such a breach as sin.

Sin with the suffering it brings about is central to the study of Nuer religion. If God was thought by Nuer merely to have created man and then to have ceased to interest himself in human affairs there would be no point at all in their paying any attention to him and sacrifice would be a meaningless act. It is because Spirit constantly manifests itself to men and intervenes in their enterprises and affairs that we have the subject of this book, a religion. I draw attention again to the paradox I mentioned in Chapter I, of God being far away in the sky and yet present with men on earth; but we now see that it might better be described as an intuitive understanding of the relation between God and man. God is far removed from man in that man cannot ascend to him. He is very near in that he can descend to man.

Nuer, like other people, want it both ways. They want God to be near at hand, for his presence aids them, and they want him to be far away, for it is dangerous to them. It is particularly dangerous in such situations and relationships as are marked off by religious interdictions.

One of the more important interdictory concepts is that of *thek*, a word we have had occasion to consider earlier in connexion with totems. It has a sense which I translate 'to respect', the word 'respect' being used throughout this book only where Nuer would use *thek*. The word has a similar, but perhaps wider, range of meaning among the Dinka.

776 783 ● 196 [171]
[See p. 79, cat. 116 -- Analyst] (177)

16: Evans-Pritchard E-5 (1931, 1936) 1956
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196 784 Nuer speak of these conventions with regard to nakedness and eating as *thesk ma tot*, minor respect. That they do not think of them as faults of the same order as breaches of the other rules of respect—*thesk ma dit*, major respect—is also shown by the fact that though all the rules are alike referred to as *thek* they do not speak of a breach of either the nakedness or the food convention as *nueer*,[1] the word, the verbal form of which is *nuer*, which they use when speaking of breaches of some of the other rules and the consequences of them. We have earlier met the word in reference to eating human flesh (p. 19) and to drinking from a pool contaminated by a corpse (p. 130). A breach of the more serious rules of *thek* is likely to cause death to the breakers or their children or cattle, especially if the breach was wilful. I was told that *nueer* is [759] a sickness of the whole body which generally begins with violent vomiting, but probably any serious sickness following the breach of a *thek* taboo would be described as *nueer*. Sometimes the offender's life can be saved by timely action, and his recovery is thought to be likely if his offence was unintentional. Sacrifice is made to God and in certain circumstances an infusion of cleansing medicines may also be drunk.

196 784 577 262 The attitude Nuer call *thek* is thus different from mere avoidance of doing things considered to be unbecoming. Failure to conform to *thek* prohibitions involves the culprit in something more than *puc*, shame, and its counterpart *cuny*, a word which has the general sense of 'to despise'. Any conspicuous breach of morality or decorum is shameful in Nuer eyes, as when a man steals or is rude to his father. It is shameful—to give another example—for a man, especially if he is unmarried and is courting girls, to eat birds or eggs. Only a *bar*, a poor man without cattle, would eat them. I was frequently taunted by Nuer on this score: 'are you not a man that you eat such little things?' Nuer also regard the eating of most wild fruits as contemptible and they think it both disgusting and shameful to eat carnivora, monkeys, zebras, most reptiles, and all insects. The breach of a *thek* rule may be shameful and despicable, but when it is spoken of as *nueer* 196 it is also sinful.

784 783 There are, as will be seen, prohibitions with religious sanctions

[1] It should perhaps be made clear that the word *nueer* has nothing to do with 'Nuer', the name of the people. 'Nuer' is not the name by which the people refer to themselves but is what foreigners call them.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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which do not form part of respect relationships and are, therefore, not called *thek*, but *thek* is the most important Nuer category of interdiction. An infringement of the other prohibitions is not usually spoken of as *nueer*, though Nuer nevertheless say that all such infringements are like *nueer*, which is a standard by which they judge, and to which they tend to assimilate any serious breach of an interdiction with religious sanctions. Before discussing these we may, therefore, note that the most prominent feature of the worst forms of sin is that it kills; and it is significant that the word *nueer* means in Dinka 'to destroy' and 'to kill',[1] a sense it also often has in Nuer when the consequences of sin are being referred to.

Except in the case of a breach of the weaning interdiction, which is discussed further later, and in that of a rare breach of the milking interdiction, the transgressions so far mentioned are unwitting offences. It must be rare indeed that anyone transgresses in these ways knowingly and deliberately. The transgressions we shall now consider are generally deliberate actions.

If *nueer* is the most important of Nuer sin concepts the one most frequently spoken of is *rual*, incest, which Nuer say is *'cere ke nueer'*, 'like *nueer*', and they may use the verbal form *nuer* when speaking of its consequences, for example, *'ce nyiman nuer'*, 'he brought death to his sister' (by having congress with her). It should be noted that Nuer say this, and also that they sometimes liken both *nueer* and *rual* to *biit*,[2] a curse and a prohibition of which a conditional curse is sanction, because their doing so shows that though there are different words for different sorts of fault they are also thought to have something in common. They all destroy and they are all also, in one way of thinking of them, conceived of as pursuing, or tracking, the transgressor to disaster.

I have given elsewhere[3] a fairly lengthy account of Nuer prohibitions on intermarriage and on extra-marital congress, so the subject may be treated briefly here and with reference only to such features of it as are relevant to a discussion of religion. Nuer

[1] P. A. Nebel, *Dinka Dictionary*, 1936, p. 119.

[2] Indeed in some cases it is not easy to say whether an act should be described as *nueer* or as a sort of *biit*, e.g. a girl drinking the milk of her bridewealth cattle or an eldest son using his parents' spoon.

[3] 'Nuer Rules of Exogamy and Incest', *Social Structure*, edited by Meyer Fortes, 1949; E. E. Evans-Pritchard, *Kinship and Marriage among the Nuer*, 1951, chap. ii.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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835 783 use the word *rual* for incestuous relations, and it can also be used for the consequences of them. These, generally certain forms of yaws or syphilis, though they may be any kind of misfortune, are more or less grave according to the closeness of the relationship between the persons concerned. Nuer think that if they are very closely related death may follow, possibly within a few days, while if they are very distantly related nothing untoward may happen. In cases of serious incest the penalty may fall not only on the partners to the offence but also on their nearest relatives, particularly on their children. The greater the danger of punishment the more likely and the more expeditiously will the act be followed by sacrifice and the more valuable will be the thing sacrificed. When the incest is considered to be very slight, what Nuer call a *rual ma* [289] *tot*, small incest, *wal ruali*, incest medicine, an antidote which some people are said to possess, may be thought adequate protection, and if it is deemed wise to make sacrifice, a cucumber or a pendulous fruit of the sausage tree is considered a sufficient offering. When the offering is a cucumber it is cut in two and then the left-half is thrown away and the contents of the right half are squeezed into water and drunk by the partners to the act. If the fruit of the sausage tree is the offering it also is cut in two. I have several times seen youths in western Nuerland, where this tree is commoner than to the east of the Nile, cutting down its fruits for the purpose, and it is interesting to note that the Dinka call the tree *rual*, the Nuer word for incest. If there is incest with the wife of a close kinsman her sleeping-hide may be cut in two. In cases of major incest the antidote is not thought to be sufficient protection, nor a vegetable offering a sufficient sacrifice, and a goat or sheep, and in the most serious cases an ox, must be sacrificed without delay, and a leopard-skin priest should conduct the ceremony. The beast is slaughtered by being cut vertically in twain from head to tail, and afterwards the guilty persons drink incest medicine infused in the gall of the victim. All these cuttings are spoken about as *bakene rual*, the cutting, or splitting, in two of the incest.

835 One hears much about incest among the Nuer, and sacrifices to cleanse parties to it are frequent. One reason for this is that the prohibition on sexual congress covers a very wide area of social relationships. The more important categories covered by it are clanship, close cognation, close natural kinship, close kinship

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through adoption, and close affinity. It is also incestuous for a man to have carnal relations with the daughter of an age-mate and for two closely related persons of the same sex to have congress with a person of the opposite sex, even though that person is unrelated to them. A further reason is that Nuer regard incest as a venial offence if the partners are distantly related, and young men certainly often take the slight risk involved. It is easier to understand why incest outside the family and nearest kin is not infrequent if we consider it also in a general setting of sex relations. Nuer do not object to girls having love affairs before marriage so long as they are reasonably discreet in them and give their favours to youths with cattle, who may at least be supposed to have what we call honourable intentions; and little opprobrium attaches to adultery, of which they speak light-heartedly and without disgust or shame.

Nevertheless, adultery (*dhom*), besides being a wrong done to the husband by infringement of his rights, is a further wrong to him in that he is polluted. A husband who discovers his wife *in flagrante delicto* may obtain summary justice by spear or club. Otherwise he demands compensation in cattle, and if the two men are members of the same local community he is likely to receive it. In addition to the cattle paid in compensation, the adulterer hands over to the husband an ox called *yang kula*, the ox of the (husband's) sleeping-hide. This is paid to protect the husband from the consequences of the adultery, known as *kor*, a concept of which one also hears much in Nuerland. *Kor* is a condition brought about by a man having congress with his wife after she has been unfaithful to him. All three persons are polluted, but if sickness results it falls on the husband, and it is most likely to fall on him if the adultery took place in his home. This sickness is also called *kor*, though it may be referred to as well as *juei kula*, sickness of the hide, or, on account of its symptoms, *juei letka*, sickness of the loins. I was told that it may prove fatal, though Miss Soule says that it is myalgia of the lumbar region. Nuer told me that they learnt about *kor*, as they learnt about so many of the ideas discussed in this book, from the Dinka and that it was also from that people that they took over a preventive and curative treatment of it, *wal kore*, *kor* medicine, the tip of a buffalo's horn which is burnt, and its smoke inhaled. Their statement that the concept is a Dinka one is supported, among other evidences, by

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837 the fact that the word *kor* has no further meaning in Nuer
● 783 whereas in Dinka it is the verb for 'to commit adulterry'.[1]
[777] Adultery medicine is probably used only as a precaution and perhaps in addition to sacrifice if a man falls sick and the symptoms suggest *kor*. The main safeguard and remedy is sacrifice, and in cases where the adulterer is known he hands over the *yang kula* for this purpose. It is generally conducted on behalf of the husband by some religious functionary, perhaps a leopard-skin priest or a man who respects *kor* (a man who has himself at some time suffered from it and has recovered), in the presence of the families and friends of the parties involved. He or another person first invokes God that the sick man may recover. Immediately the ox has fallen the adulterer and his friends take hold of its head and forelegs, and the husband and his wife and friends of their family take hold of its hindlegs while the man who is conducting the rite cuts the carcass in two through the loins.[2] The *yang kula* is sacrificed to wipe out the pollution whether the husband falls sick or not. That it has this significance is shown by the fact that when, for reasons I have set forth elsewhere,[3] in the event of a child being born of adulterous congress the cattle paid in compensation, or others in their stead, are returned to the adulterer, the *yang kula*, if it has not yet been sacrificed, remains with the husband for that purpose, and if it has been sacrificed he is under no obligation to return another ox in its place; and by the fact that if the husband forgoes compensation, as he may do if the adulterer is a close agnatic kinsman and neighbour, the *yang kula* must be paid to protect him from evil consequences. It is not part of the *ruok*, the compensation, but is handed over in addition to it, and for a different purpose. Even the cattle of compensation are tainted for the husband. He keeps them away from his own cattle, putting them in the care of a friend or kinsman well away from his own homestead, and he rids himself of them as soon as he can, either by marrying with them or by giving them to one of his brothers for the same purpose. I was told that above all he would

[1] P. A. Nebel, op. cit., pp. 13 and 88. The noun form *akor* means 'adultery'.

[2] Dr. Mary Smith tells me that if a man suffers from *kor* and the adulterer is unknown the officiant holds the forelegs while someone else cuts through the carcass (of a sheep). She says that in the part of Nuerland she resides in the idea of *kor* is no longer prevalent.

[3] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938, pp. 332–4.

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not drink their milk and that should he even tread on their dung he might cause grave injury either to himself or to his cattle. Likewise, a man will not accept as bridewealth for his daughter cattle paid to her husband in compensation for adultery she has committed. This is a shocking idea to Nuer, who say that it is like incest.

The pollution may spread (*dop*) beyond those directly concerned in it. The adulterer, the husband, and the wife are dangerous to anyone they come into contact with who has an open sore, for the *kor* may enter him through it. One day at a wedding a youth was trying to reconcile his desire to watch the dancing with the need to hide an open wound from the eyes of those who might cause it to fester, by watching the dance from the shelter of maize plants. I heard his mother shout to him in reprimand 'there you stand in the maize where people can see you. Is *ther* (p. 176) a good thing, and is *kor* a good thing, that you thus expose yourself?' It is largely from fear lest an adulterer or adulteress or cuckold might see them that lads are so closely secluded while they still have open wounds on their foreheads after initiation. Adultery may also cause a wife who has been partner to it to suffer in childbirth, and if she finds the pains of labour grievous she will make known to the midwife any adulterous acts she may have committed. The sin and its consequences become less by being confessed.

Another dangerous influence is that brought about by a man having congress with his wife while she is nursing a child. Responsibility rests with the husband, 'for this is an affair of men, and it is not a woman's business to deny her husband access'. As has been noted, this is an offence that comes within the category of *nueer*, but the specific name for it is *thiang*. This word denotes the act itself, the consequences which follow from it, and the rite performed to ward off the consequences. Since children are not weaned till they are about three years old it might be thought that husbands must often give way to temptation, but one seldom hears of a wife becoming pregnant before her child at the breast is weaned, and Nuer themselves say that it is uncommon. I cannot say whether a husband who commits the offence would generally perform the prescribed rites unless the pregnancy of his wife made it common knowledge. In the only cases I have come across action was taken when it became evident that a nursing mother was pregnant. I was told that it was then taken to ward off the

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783 834 serious danger of dysentery, perhaps causing death, her condition threatens to the child she is suckling. The infant is laid at the side of a small termite mound, and a person who respects *thiang*—in this sense the sickness which results from a breach of the interdiction—circles a handful of burning grass over it, and also holds the child over the flame.[1] A dog is then brought and the child is placed on its back. They cut a piece off the dog's ear and it is released and runs off 'taking the *thiang* with it'. Finally a goat is sacrificed and a piece cut from one of its ears is tied with the piece of the dog's ear round the child's neck. Nuer say that in this way the dangerous influence of the abnormality (*buom*) is wiped out (*wec*). The rite is performed by old women, though it is a man who sacrifices the goat. The old women eat the sacrificial meat. On the occasion on which I witnessed it all the older women of the cattle camp ran, shouting, out of the camp, each carrying a child which she placed on a small termite mound so that, I was told, the *thiang* might go into the mound. All the small children of the camp were treated in this way because the husband whose conduct had brought about the situation had eaten and drunk from the same vessels as others in the camp, and had smoked tobacco from the same pipes as they, so that the *thiang* might have spread (*dop*) to the other families in it and endangered all the infants of the community. At the end of the rite the husband and wife wash in a stream to cleanse themselves from their uncleanness. A child born in these circumstances is regarded as dangerous (p. 176).

II

783 In using the word 'sin' to refer to the ideas I have been discussing we have to be more than usually on guard against thinking into Nuer thought what may be in our own and is alien to theirs. From our point of view the ethical content of what the Nuer regard as grave faults may appear to be highly variable, and even altogether absent. A fault of inadvertence, though it may not

[1] Both the word *thiang* and the rite I describe have probably been taken over from the Dinka. I cannot prove that this is the case but it is strongly suggested by this totemistic relationship some people have to the sickness caused by a breach of the prohibition (p. 77). Dr. Mary Smith, who kindly inquired into the matter on my behalf, tells me that the Nuer at her mission say that the word is a Dinka one.

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have such serious consequences as a deliberate fault, may nevertheless, as I pointed out in Chapter I, entail grave consequences; and most of the acts Nuer class as *nueer* would seldom, if ever, be committed deliberately. Moreover, the sinful act may bring misfortune not only to the persons who committed it but also to persons who are, as we think of it, in no way responsible. It is not the adulterer but the injured husband who is likely to be sick, or it may be some person with a sore who is quite unrelated to either who suffers. It is not the husband or his nursing wife who suffers if he has congress with her but their child, and possibly also children of other parents. Likewise, incest may harm relations of the partners to the sin who are not even cognizant of it. Nuer show deep insight with regard to both inadvertence and the incidence of consequences of sin. 783 ●

It is difficult also for the European observer to understand why Nuer regard as grave faults, or even as faults at all, what seem to him rather trivial actions. That incest and adultery are regarded as faults and, in the sense we have given to the word, sins, he can understand, but not a man milking his cow and drinking the milk, or a man eating with persons with whom his kin are at blood-feud. I can only say that these rules make sense when viewed in the total context of Nuer social life as interdictions arising out of basic social relations. I have discussed these relations in two earlier volumes. Here we have to take them as given. We are interested not in the structural aspect of the interdictions but in the religious sanctions which uphold them; and we have to note that the force of the sanction is in ratio to the strength of the prohibition. The sin lies not so much in the act itself as in the breach of the interdiction. Consequently Nuer can give no reasons for the acts being bad other than that God punishes them. Consequently also, sins do not arouse indignation, as some quite minor fault may do. The consequences of incest may arouse hostility on the grounds of damage (p. 300), but I have only heard Nuer express indignation about incest as such when it is with the closest kinswomen, and even then they condemn the man's folly rather than the man. Acts of the kind they call *nueer*, with the exception of the suckling interdiction, are, as I have said, almost invariably unwitting offences. Nuer do not, therefore, though they fear the consequences, blame the man. They are sorry for him. In cases of incest with distant relatives and of intercourse with a suckling mother

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783 they tend to take the view that it is scarcely for them to censure a man whose desires have got the better of him. When there is adultery, the husband may be indignant and demand compensation for the injury done to him, but Nuer do not become indignant at the idea of adultery. The essential point is that such faults as we are considering are, wholly or in part, conceived of as offences against God, and Nuer think that it is he who punishes them. It is God's *cuong*, right, rather than, or as well as, man's, that has been violated. The man who commits them, therefore, places himself, and possibly others too, in danger by having done something which brings Spirit into action in the affairs of men.

783 176 This danger is a condition which to some extent appears to be regarded as physical, the threatening misfortune, usually sickness, which results and is the outward manifestation of the sin being already in the man before it manifests itself. He is contaminated by his act. This is why medicines, aspersions, fumigations, and other modes of expulsion and cleansing are used in addition to the atoning act of sacrifice. This is more than mimicry. The pollution is substantival. That the sin is felt to be attached to the man is further expressed by two words of great significance, *dop* and *woc*. *Dop* means to catch alight, the spreading of a flame or fire. It is also used to describe a man catching a disease, yaws for example, from another and the spreading of an epidemic or murrain, such [753] as smallpox or rinderpest (Nuer are aware that such diseases are spread by contact); and it can likewise refer to anything spreading, as a fight developing out of a quarrel and people other than the principals becoming involved in it. The general idea is that of a person catching something from another, an infection, whether it be a disease, a quarrel, or a bad habit. In our present context the word means that the uncleanness which results from sins may pass to others closely related to those who are directly concerned in them. They also are in danger. *Woc* is used in a number of contexts in which the sense is getting rid of something, especially by wiping it out. It is the ritual ones which more particularly concern us. The first cut across the forehead at initiation is called the *woc dhol*, the wiping out of boyhood. The final rites of marriage are said to wipe out maidenhood. As we have noted, the mortuary ceremony is called *col woc*, the wiping out of death and mourning with their association of debt. The word is also used in reference to sacrifices made on account of a transgression. Sacrifice is

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said to *wec*, wipe out, *nueer*, *rual*, *kor*, and *thiang*, and indeed any *duer*, fault. The transgressor is healed by the blotting out of his transgression. God turns away, as the Nuer put it. He does not regard it any more, so it ceases to be. When used in reference to sacrifices made on account of sins the word has thus the sense of expiation, and it is interesting that the same word which Nuer use for wiping out a transgression means in Dinka 'to err', 'to sin', and 'offence'.[1] We have in the words *dop* and *wec* two ideas which throw much light on the way Nuer regard sins and sacrifices made in consequence of them. Sin, as has been noted, is something which destroys and which tracks down. Two other characteristics of it are now revealed. It can spread and it can be wiped out by sacrifice. But though sin is regarded as bringing about a condition of the person which is contagious, the uncleanness is not simply a physical impurity which can be washed or purged away. It is also a spiritual state which can only be changed by sacrifice; and not even sacrifice is sufficient by itself to change it, only sacrifice which carries with it the will and desire of the sinner. What gives emphasis to the physical quality of the condition is the fact that the consequences of sin, which in a sense form part of it, are physical. This brings us to a very important matter, the identification of disease with sin.

Nuer may speak, as we have seen, of the consequences of a sin by the same word (in which the interdiction is also implied) as they use when they speak of the sin itself. *Rual* is incest, and it is also syphilis and yaws. *Nueer* is a breach of certain interdictions, and it is also the violent sickness which follows the breach. *Thiang* is a breach of the weaning interdiction, and it is also the dysentery the breach causes. Different diseases have different names, it is true, but if the sin which brought the sickness about is known it is spoken of by the name of the sin. The particular form of the sickness, the particular consequences which have resulted from the sin, are of secondary interest. Had the man suffered from a different ailment it would have been from the same cause. Therefore one may say that where there is a state of sin such sickness as it appears in is a symptom of the sin, or even in a sense is the sin. Even where there has been no breach of a specific interdiction, and there is consequently not the same verbal identification, any sickness tends to be regarded as the operation of Spirit on account

[1] J. C. Mitterrutzner, *Die Dinka Sprache*, 1866, p. 303; Trudinger, op. cit., p. 298.

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753 of some fault on the part of the sick person or of someone closely
753 related to him, and it may simply be said to be *kwoth*, meaning that it is the action of Spirit. A sickness may always be a sign of some fault. No attempt may be made to discover whether there has been a fault or not or what the fault, if any, was, but Nuer think that a man would not be sick if there had been no error, though the thought is not always expressed.

Since sickness is the action of Spirit therapeutic treatment is sacramental. The sickness is only a symptom of the spiritual condition of the person, which is the underlying cause of the crisis; and it can only be cured by expiation—sacrifice—for the sin which has brought it about. This, then, is a further characteristic of sin. It causes physical misfortune, usually sickness, which is identified with it, so that the healing of the sickness is felt to be also the wiping out of the sin. When Nuer say that sacrifice wipes out the *giak*, the badness or evil, they do not just mean that the sickness will depart but also that what may have caused it will be no more. When a serious sin has been committed sacrifice is made before there are any signs of sickness.

753 So far we have been discussing certain definite ideas and con-
577 ventions. Certain violations of specific interdictions are held to be divinely punished and these have special names, *nuer*, *ruai*, and so forth. But they are covered by the general term *dueri*, faults. That term covers also breaches of any social convention. There is, therefore, no convenient terminological distinction in Nuer which we can follow in translation to mark off faults of the kind we have been considering and have called sins from faults of some other kind. Moreover, God is regarded as the guardian of the social order and his intervention as a possible sanction for any rule of conduct. We cannot, therefore, make an absolute distinction between what we have called sins and other faults. We can only say that the religious sanction is more severe, and more definite, and tends also to be more exclusive, in the case of the faults we have been discussing than in cases of other faults.

A *duer*, fault, of any kind may, as we have earlier noted, bring about divine punishment. It may do so through the action of a curse or of ghostly vengeance, and as in such cases God is thought to be the arbiter the fault involves to some extent the idea of divine intervention and consequently the need for sacrifice; and a misfortune may be attributed to a curse of the living or to anger of the

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ghosts and hence to injuries done to them. It may do so through fetishes, though, as we have noted, there is some ambiguity and confusion about their morality. Particular calamities are not otherwise attributed to specific breaches of custom, and I have never seen or heard of sacrifices performed on account of such breaches. Serious sickness, the commonest occasion of sacrifice, in all cases I have examined, was attributed, when attributed to anything, to an infraction of one of the interdictions we have been discussing, to seizure or possession by a spirit, generally seizure on account of neglect of obligations to it, to ghostly vengeance, or to a fetish, and not simply to failure to observe the social code. But we have to bear in mind that when there is sickness not attributed to some specific cause sacrifice is, nevertheless, performed to cover any or all unknown causes and that among such causes may be moral faults which have caught up with the sick man in his sickness, and this is so because God has taken notice of them. 773 577 [753]

Consequently, such moral faults as meanness, disloyalty, dishonesty, slander, lack of deference to seniors, and so forth, cannot be entirely dissociated from sin, for God may punish them even if those who have suffered from them take no action of their own account. Nuer seem to regard moral faults as accumulating and creating a condition of the person predisposing him to disaster, which may then fall upon him on account of some act or omission which might not otherwise and by itself have brought it about. This is further suggested by the custom of confession at certain sacrifices, when it is necessary to reveal all resentments and grievances a man may have in his heart towards others. This may be rather a peculiar kind of confession, that of other people's shortcomings, but the point is that the faults together with the feelings they have engendered are placed on the victim and flow away into the earth with its blood.

But though the notion of *kwoth* is as ubiquitous as the air to which it is likened and may be evoked in relation to any question of right and wrong there are differences between its association with such sins as incest or eating with persons with whom one is at feud and its association with faults which have a moral or legal, rather than a religious character, such as lack of deference to an elder or refusal to pay a debt. When an action of the first kind, which is definitely and wholly of a sinful character, has been committed it is likely, if it is thought to be a serious transgression, to

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783 577 lead to sacrifice before any effects follow from it. This would not happen in the case of faults of the second kind. Also, if sacrifice is not made and the act is followed by sickness Nuer know that the sickness is a result of that sin. They start, as it were, from the sin and reason from it to the sickness. But if there is no known and specific sin they start from the sickness and reason that maybe it results from some fault or faults. In the first case, the linking up of the two events is precise; and sacrifice is made to expiate the known sin to stay its consequences. In the second case it is vague. Sacrifice is made to get rid of the sickness and whatever it is which has brought it about, for though the cause may not be determined it is, as it were, contained in the sickness. For some reason not known God has sent, or allowed, the sickness, and the evil manifest in it must be got rid of by sacrifice. The difference is one of emphasis or of direction. In the one case the emphasis is on the actions from which one looks forward to the sickness which, when it comes, is identified with them. In the other case the emphasis is on the sickness and one looks backwards from it to faults which might have brought it about, even if one makes no attempt to discover what they were. An effort may be made to link up the effect with a cause, a wrong done to the living or the dead, but generally people are content to let it go that there must be something wrong somewhere or there would not be the sickness. And this something wrong may be some fault or faults or it may be nothing in particular. It may be nothing more than what we would call natural evil, what happens to man because he is man, or just human folly. I have often been struck in listening to Nuer myths and folk-tales with the way God is figured in them when man wants to do something foolish. He lets him do it, and when he is made to speak he says something like what we would render by 'all right, have it your own way'. Man is given the choice, and if he chooses wrongly he must put up with the consequences.

Nevertheless, though there is this feeling that wrongful actions may be punished by God, it would lead us entirely astray were we to try to equate sin with breaches of custom and convention. I have already noted that Nuer do not express indignation at sin and that what they get most indignant about is not thought of as sin. Nuer do not reason that incestuous congress with a kinswoman is bad and therefore God punishes it but that God causes misfortune to follow it and therefore it is bad. It is bad not in itself but in its

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consequences. Furthermore, we must note that the conditions in which an interdiction, a breach of which is *nueer*, arises may in no way come about through the breaking of a social regulation. Homicide is not forbidden, and Nuer do not think it wrong to kill a man in fair fight. On the contrary, a man who slays another in combat is admired for his courage and skill. Nevertheless he places himself and his kinsmen in a state of grave spiritual danger. Certainly no one is blamed for the birth of twins, the parents being thought to be most fortunate, but it brings about a precisely similar interdiction. Consequently, we are not primarily concerned with people's morals, whether according to Nuer ideas they are good or bad people, but with their spiritual condition, though good or bad conduct may affect this condition. 783 577

When there is sin a man's spiritual state is changed. I have spoken of him then as polluted, contaminated, or unclean. We now see that the pollution, contamination, or uncleanness is Spirit itself acting on the man on account of the violation of some interdiction. Nuer themselves say this when they simply remark of the sickness that it is *kwoth*. As we regard the matter from the outside we see that the ethical significance of sin lies in the violation of the interdiction. The interdiction itself may have no ethical significance, only a spiritual one. It may be some trifling injunction, like not drinking water. The circumstances in which spiritual danger attaches to certain events, circumstances in which Spirit is present and threatening, can be said to be good or bad only in the sense that they are fortunate (as the birth of twins) or unfortunate (as death) for the persons concerned. But if notions of sin are not just a rationalization of social convention neither are they just a rationalization of chance. The question whether the circumstances are fortunate or unfortunate is not really a relevant one. Nuer have the idea of luck (*bang*), but it does not arise here. Fundamentally in this context it is not a matter of being lucky or unlucky, or of being good or bad.

We shall see later how this double aspect of Spirit, what aids and what harms, what sustains and what destroys, is represented in the rite of sacrifice. In the present place we need only note further that it has some bearing on the question of the one and the many which we have earlier discussed. The idea of Spirit as the holy with whom it is extremely dangerous for man to be in contact is only absolute where God is concerned, and in such situations as have been

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783 discussed in this chapter. It is not absent in his refractions—
577 prophets are treated with reserve as containers of Spirit, totems are avoided as creatures in which Spirit appears to man, and the objects associated with nature sprites and fetishes are not handled by others than their owners—but though Spirit in these forms is dangerous there is no feeling of the lethal contamination of it which derives from the idea of it being something so wholly different from what is human as to be incompatible with it. In them Spirit is not in its entirety and it is also, as it were, filtered through material things. Man can then possess it and use it for his own purposes; but what he then possesses, as Nuer would be the first to recognize, is not God but *deng*, *teny*, *colwic*, *kwoth nyanga*, *kwoth nyota*, *biel roa*, *mathiang*, and so forth.

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782 tered by him but by God, and when God took them they ceased to be his. It would seem likely therefore that some such idea of the beast belonging to no one is present in the sacrifice to end a feud. The holocaust appears to be, at any rate usually, a manner of disposal, like the burnt offering of the Hebrews, when sacrifice is made on behalf of the whole community against a common danger, plagues and murrains and an enemy. Here sacrifice is not made to serve any individual interest nor the exclusive interests of particular lineages or clans but the interests of all the people alike. The reason for abandoning the carcasses, however, seems to be the idea that the evil has entered them through the sacrificial act.

It remains only to mention briefly some other peculiar features of ritual attached to some sacrifices. A small piece of the hide of a victim may after any sacrifice be tied to the *riek* shrine as a memento, but after sacrifice to a spirit a more elaborate memorial, a *yik*, may be constructed. This is a small mound of ash and mud with a *riek* set in the middle of it. The bones, or some of them, of the victim may be buried in the mound. In sacrifices for incest and [783] in settlement of feuds the gall of the victim is drunk in infusion. This has nothing to do with the sacrifice itself but is a post-sacrificial act to cleanse the bodies of those who have been contaminated or to protect those who run a risk of contamination. It is a sort of medicine to counteract physically the consequences of the breach, or the possible breach, of an interdiction. It is something extra added to the sacramental action of the sacrifice proper. Some sacrifices are accompanied by the rite of aspersion. I discuss this later.

V

I have given some account of the structure of the Nuer sacrificial rite which, allowing for the variations and peculiar features I have mentioned, is the same for all sacrifices, those of the collective type as well as those of the personal type. Most sacrifices, as we have already noted, have a markedly piacular purpose. They are made in times of trouble and their general object is always the same, to get rid of the evil or threatening evil by offering to God a victim whose death will take it away. Nuer express this in various ways. They say that the evil 'will be finished with a thing (*duor*)'—that is, with an oblation. They say that it 'goes into the earth with the blood of the cow'. They say that 'the cow shields (*gang*)' the persons threatened by it. They say that God 'turns away'—as we have

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On those occasions on which Nuer use the word *lor* in a religious context the danger is definite and immediately before them, and it has to be met with sacrifice to propitiate God so that of his kindness he may stay its approach. It is true that they speak of going out to meet the smallpox, the locusts, the durra-birds, or whatever the threatening thing may be, but when they say that they 'meet it with a cow', that is, by sacrifice, we are to understand that the 'it' is not the thing itself but Spirit manifested in the thing. It is a vehicle of Spirit and only God can stay it. We have then in the concept of *luor* another element in sacrificial intention, homage to God by a whole community, or on its behalf, at a time of common crisis.

The word *kier*, with the verbal form *kir*, is more difficult to translate than the other words used for sacrifice because it has no meaning outside its sacrificial usage. I have translated it by 'expiation' because that idea together with the idea of purification seem to me to be strongly represented in the situations of its use, the appeasement of God or spirits when an event which places people in a state of danger, usually grave, has taken place. The danger, which is Spirit itself, is not merely possible, nor is it seen to be approaching. It is already present and people must rid themselves of it before it injures them or causes them further injury.

Nuer say of a spirit which has made a man seriously ill *'ba kwoth kier ke del'*, 'expiation is made to the spirit with one of the flock'. They say of the sacrifice made after the burial of a man that *'ba kier piny ke del'*, '[the dead man] is expiated in the earth with one of the flock'. They say of a byre which has been struck by lightning that *'ca kir ke ghok'*, 'it has been expiated with cattle', and of a man killed by lightning that *'ca je kir ke det kene ruath'*, 'he was expiated with some of the flock and with oxen'. When a speckled vulture settled on a man's head (pp. 88–89) expiation was made (*ca kir*) by sacrifice. I have also heard it said of sacrifices made on account of the birth of twins *'ca ke kir'* 'they [the twins] have been expiated'. One does not visit the home of a kinsman who has begotten twins without something to sacrifice in one's hands. Further examples of the use of the word *kier* for sacrifices are given by Father Kiggen, on account of a man being lost and on account of a bad dream.[1]

It may seem a peculiar expression to speak of a man, twins, and

[1] Op. cit., p. 145.

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782 783 a byre being expiated and it is true that it is not they who are expiated but the death of the man, the birth of the twins, and the striking of the byre by lightning, or rather, since these events are all signs of God's presence it is Spirit itself which is expiated. This is what is said, literally, in the first example of the use of *kier* I have given, '*kwoth* (Spirit) is expiated with one of the flock'. A payment is made to get rid of it and the state of danger its presence means. It is expiation in that sense, not in the sense of paying penalty for fault; for in the examples I have given the idea of fault, or at any rate of some definite fault, is negligible, if not altogether lacking. What we observe is a feeling of something dangerous being in the village, a sort of miasma, which must be dispelled if the people are to be at peace, and a defilement from which the people must be cleansed. In some of the examples the ideas of defilement and purification are apparent. Where this sense is strong the sacrifice is often accompanied by the rite of aspersion; and it may be noted that the word *kir* has in some of the other Nilotic languages the sense of 'to asperse', 'to sprinkle', and similar meanings.

We have seen that the *lor* concept adds the idea of honouring to that of an exchange or bargain in the general meaning of sacrifice. The *kier* concept adds something more. Sacrifice in the situations for which this word is used is made to prevent misfortune, or further misfortune, by an oblation. The danger is not disposed of till there has been an act of human will, a turning to God in sacrifice. Only when expiation has been made will it be wiped out. And the expiation is not just a payment, it is also the recognition of a debt. This aspect of sacrifice is most clearly brought out in the concept of *cuol*.

The ideas of expiation and purification are also markedly present in those sacrifices for which Nuer use the verb *col*, but there is a further and different emphasis as well. *Col* in its most general sense means, as in the other Nilotic languages, to pay compensation for an injury, and it is perhaps best translated 'to indemnify'. Indemnification for homicide or bodily injury, or indeed reparation made for any injury, may be spoken of as *col*. The word is also used in a religious sense when speaking of sacrifices to wipe out (*woc*) by indemnification the wrong done to God or a spirit by sin, such as, for example, having harmed a totem; when sacrificing for sickness if the sickness is thought to be due to some particular

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782 783 fault; and, most specifically, to describe mortuary rites. The implication is that just as, let us say, a woman who has been wronged by her daughter's husband exposing his nakedness to her must be indemnified by a gift, so if God or a spirit is wronged by some act or neglect he or it must be indemnified by sacrifice. In the religious sense of the word it can perhaps best be translated 'to atone' and 'atonement'.

As the use of the word *col* implies in all other contexts that reparation for some wrong or fault is due we may suppose that it has something of the same sense when it is used with reference to mortuary ceremonies. A mortuary ceremony is known as *col woc*, an expression which might be translated by some such phrase as 'the wiping out of debt'. As it is not necessarily felt that any definite wrong has been done for which reparation must be made we may ask why this expression is used. I would answer that not only do Nuer seem to regard death itself as a kind of payment of debt, but they also seem to regard the dead man's kin as being involved in the debt, just as they would be had he incurred a debt to someone in his lifetime. The death still clings to them till they have made atonement by sacrifice and have been purified from its contamination by a purificatory rite which, while being particularly noticeable in the mortuary ceremonies, may accompany any sacrifice, such as those referred to by the terms *kier* and *cuol*, in which the idea of pollution is accentuated. The rite is known as *kith*, a word which means 'to sprinkle' and may be translated in its religious use as 'to asperse'. The aspergillum is a handful of wild rice, a plant which has other religious associations. It is dipped in water or milk or blood and water mixed and shaken over the persons involved in whatever the calamity may be, and in rites concerning death over the dead man's possessions as well. The word *kith* is also used for the sprinkling of beer at a ceremony in honour of a spirit over the ox dedicated to it, the beer being thrown over the animal's back by hand or blown over it from the mouth, a rite also called 'the bathing (of the ox)'; but here different ideas are expressed (pp. 42–43).

We may suppose that Nuer would not use so many different words when speaking of sacrifice unless the rite meant for them sometimes more one thing than another thing; and in our examination of these words we have found that they do indeed express rather different conceptions. No doubt these conceptions are only

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782 variations of a single general meaning, are logically intercon-
783 nected, and shade into one another, but they indicate nevertheless
distinct differences of emphasis. What all of them express, how-
ever, is the central piacular idea of substitution of lives of cattle
for lives of men. That is on the surface. We have to inquire further
if we are to understand its interior meaning.

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they happen to reside. Moreover, persons who do not belong to a priestly family can become priests, transmitting their powers to their children, by what the Nuer call *tetde*, by hand. This means that such a man is given a leopard-skin by a priest and told to carry out priestly services. In some myths of origin of the Jikany tribes the leopard-skin was given by the ancestors of the dominant lineages to their maternal uncles that they might serve as tribal priests. The structurally opposed lineages of the clan were then in the common relationship of sisters' sons to the line of priests, which thus had a mediatory position between them.[1] A layman is still today sometimes invested with the leopard-skin and the priestly powers that go with it, and I have known a Dinka chosen for the purpose. This in itself teaches us much about the way Nuer regard their priests. Priestly duties are tiresome and ill-rewarded, but somebody has to perform them. Nuer society is very far from being a hierocracy.

The chief services a priest performs are in connexion with homicide and the importance of his office derives from this essential function. Only he can perform these services,[2] which are to release the slayer from the state of extreme danger his act has placed him in and, where circumstances are such that an active blood-feud is likely to develop if a settlement is not reached, to give the slayer sanctuary, to negotiate a settlement, to perform sacrifice to enable normal social relations to be resumed, and to rehabilitate the slayer. All these functions, in addition to having a political significance, are also essentially religious acts or derive from the priest's sacred character.

As soon as a man kills another he hastens to the nearest priest, who draws the point of a fishing-spear down his right arm from where it joins the shoulder and sacrifices a beast, called *yang riem*, the cow of blood. Were the slayer to eat or drink before this has been done it would be serious *nueer* and cause certain death, for the blood which is drawn is thought to be in some way that of the slain man which has passed into him. If there is likelihood of blood-vengeance the slayer then takes sanctuary in the home of

[1] I recorded this fact in *Sudan Notes and Records* (1935, pp. 46–48), but I have only recently realized, in the light of Dr. Lienhardt's research among the Dinka, the significance of it.

[2] Except perhaps on such rare occasions as when a priest himself or one of his family is killed. I was told that then an elder of the aristocratic clan of the tribe might act in the priest's place.

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782 793 628 783 the priest, his family and cattle being dispersed to homes of kinsmen, leaving his homestead deserted. He will not be molested there because of the sacred character of the priesthood. For the same reason the priest and any who accompany him can move between the parties without fear and so conduct negotiations for settlement. It is essential that a blood-feud be settled if the parties to it live in the same neighbourhood, not only for reasons of security, but also on account of the serious danger both the dead man's kin and the slayer's kin are placed in by the homicide, a danger in which the whole community is involved. Settlement by payment of compensation (*cut*) to the family and kin of the dead man prevents them from taking vengeance and thus causing a further disturbance of social life. It also pacifies the ghost, who may trouble his family and kin if a wife is not soon married to his name with *ghok thunga*, cattle of blood-guilt. Consequently, even when a man is slain by a close paternal kinsman cattle, though fewer, have to be paid to provide him with heirs, and if vengeance is taken and a man on each side is killed compensation has to be paid for both so that their names may not be blotted out. The payment is rather for this purpose than to satisfy honour. Only vengeance can do that. This is why the kin, even when they are ready to accept compensation, at first refuse it, and why, even after acceptance, a feud is always liable to break out again. But neither consideration seems to weigh with Nuer so much as the need to rid themselves of the condition of *nueer*. This threatens chiefly the kin of the slain, but the kin of the slayer, the wives of both lots of kin, and all their neighbours are also subject to interdiction. If either side eats or drinks with the other or from vessels which the other has used the penalty is death, and it may be brought on kinsmen on either side by a person who belongs to neither party eating or drinking in the homes of both. This intolerable state of interdiction can only be ended by sacrifice by a priest when compensation has been paid, since it requires the consent of both parties. We have, therefore, to distinguish between the cattle paid to compensate the kin of the dead for their loss and to provide the ghost with a wife from those paid for sacrifice, just as we had to distinguish between the cattle paid in indemnity for adultery and the beast paid for sacrifice. This is shown by the fact that should a man kill his wife, though no compensation can be exacted and the question of providing heirs does not arise, he will hand over

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to her kin the beasts required for sacrifice to get rid of the state of uncleanness resulting from the homicide. We have here to distinguish also the priest's role in making these sacrifices, which only he can perform and the performance of which is the essentially priestly role in blood-feuds, from the sanctuary he provides and the mediation he offers. The first is a sacramental act only a priest can perform; the others are acts he can perform because people, as we would say, have respect for the cloth. It is a distinction between priestly office and priestly status. In certain cases, as in those of accidental homicide, neither sanctuary nor mediation would be required of him; but it is always necessary that he makes the customary sacrifices if the state of *nueer* is to be ended, and it must be ended if the parties have to come into contact with each other in the course of their ordinary social life. Although today the Government exacts compensation for homicide and takes charge of the slayer, priestly sacrifice is still required before a blood-feud can be settled.

I am not certain about all the details of procedure in settlement of a blood-feud, and they probably vary from one part of Nuerland to another and even from one case to another, but the main, and usual, actions are as follows.[1]

When, usually after some months (the mortuary ceremony for the dead man having first been held), negotiations have been completed and the cattle brought together from the homes of the various kinsmen who have contributed to the payment the priest, accompanied by some of his kinsmen, and when relations are not too strained by a representative of the slayer's party, drives them to a place near the home of the dead man, where his kinsmen have gathered. When, after inspection, all are accepted they are tethered in a neighbouring homestead as they may not enter the kraal of the dead man's family till sacrifices have been made. One of the oxen, called *yang ketha*, the cow of the gall-bladder, is consecrated by the priest, who then makes an invocation over it to God that the feud may be closed. In the course of it he addresses also the ghost of the dead man and tells him that his death has been paid for and that his kinsmen will marry a wife to his name to bear him a son. The priest then slays the victim and as soon as

[1] For a fuller account see H. C. Jackson, op. cit., pp. 102–4; my book *The Nuer*, pp. 152 seq.; J. P. Crazzolara, op. cit., pp. 106 seq.; and P. P. Howell, *A Manual of Nuer Law*, chap. ii.

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782 it has fallen the dead man's kin hack it to pieces in a wild scramble.
793 The gall-bladder is extracted and placed on one side. This is later
628 squeezed into a gourd containing water and a little milk and is
783 drunk by members of the dead man's family and paternal and maternal kin and, if one is present, by the representative of the slayer's party. The priest gives them also cleansing medicines, *wal nueera*, to drink. After this ceremony the parties can eat and drink together without risk, though if feelings have run high they are unlikely, for reasons of sentiment, to do so. Were at any time before it is performed a man inadvertently to break the interdiction a priest would be summoned to save his life by sacrifice and medicines.

Next day before sunrise the dead man's kin go to where the cattle of compensation have spent the night in a neighbouring homestead and sacrifice the one entire bull among them and cook and eat its flesh. The cattle may now be brought into the dead man's homestead and their milk drunk. Some of them are later distributed among the dead man's paternal and maternal kin while the rest are entrusted to relatives to look after, or are temporarily tethered in his kraal, until they are used to marry him a wife, the bride cohabiting with his brother. It is unlikely that all the cattle will have been handed over at the ceremony for closing the feud. The last ones to be paid, maybe years later, are the *ghok pale loc*, the cattle of relieving the heart, and a beast known as *yang tul coka*, the cow of the breaking of the bone, because after it is sacrificed one of its bones is held at either end by representatives of the two parties while the priest severs it in two. The left half of the bone is thrown away. The two parties then consume the flesh together. The earlier ceremony ended the state of *nueer*, and the purpose of this later ceremony seems to be to bring the parties into amity again. These final cattle may not be paid, and the final ceremony therefore not be held, if the parties to the feud do not strongly feel the need for a lasting settlement.

The state of feud, which is a state not only of social conflict but also of spiritual danger, was ended by the sacrifice of the *yang kethia*. But the priest still has a duty to perform, to bring the man who incurred the blood-guilt back into the life of the community. The cutting of his arm put him out of immediate and acute danger, but the death he has caused still clings to him till these final rites, which are like those which end a period of mourning.

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PRIESTS AND PROPHETS

The priest and one or two of his kinsmen escort the slayer to his neglected home where huts and byre are in disrepair and grass has grown up in courtyard and kraal. He consecrates an ox, preferably a black one or one with black markings, utters an invocation to God, saying that compensation has been paid and sacrifice made to remove the state of feud and asking that the slayer may now rest in peace in his own home. He sacrifices the ox, known as *yang miem*, the cow of the hair, because afterwards he cuts the slayer's hair or a token lock of it. It has not been cut or tended since the homicide. The priest then starts to hoe up the weeds in the kraal, and he and his kinsmen to clean up the homestead. He also kindles fire with fire-sticks (*piec mac*), lights three fires, sacrifices a goat, removes its intestinal fat, and places a piece of it on each fire where the flames consume it. The slayer is now rid of the *thung*, the blood-guilt, and can repair his byre and huts and settle down to normal life.

The leopard-skin priest also conducts the taking of oaths. A Nuer may at any time lick a spear or metal bracelet as a sign that he is speaking the truth, and I was told that a man would not do so if he were lying, though he might pretend to lick it. But formal rites of purgation are conducted by a priest. If a man denies that he has killed another he undergoes an ordeal by drinking milk from the herd of the dead man handed to him by the priest in the presence of the dead man's kin. Should he be lying he would die of *nueer*. To kill a man and not to confess to the killing is a heinous offence in Nuer eyes because it puts the kin on both sides in jeopardy. In questions other than homicide, which would usually, I think, concern rights in cattle, the priest digs a hole, representing a grave, and accuser and accused either step over it or take hold of the shaft of the priest's spear placed above it as they make their declarations. Or the declarations are made by them as they sit on the priest's leopard-skin. The priest then utters an invocation over a tethered victim that whoever is lying will die. The late Mr. Hamer, who witnessed this rite, told me that the priest caught the blood of the beast, a goat, in a gourd and mixed it with earth scraped from the ground in front of the skin. He placed a lump of this mixture in the mouths of the two men, who chewed and swallowed it. They then stood up and, facing one another, stepped across the skin. In a text written by a Nuer at the American mission, and sent to me by Dr. Mary Smith, the priest first addresses